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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ANDREW HOUSTON POINTER,

15 Defendant.

CASE NO. CR08-5604RJB

ORDER GRANTING DEFENDANT
POINTER'S MOTION FOR
EXTENSION OF TIME TO FILE
NOTICE OF APPEAL

16 This matter comes before the court on Defendant Pointer's Motion for Extension of Time
17 to File Appeal. Dkt. 151. The court has reviewed the motion and the remainder of the file
18 herein.

19 On February 24, 2012, the court entered an order denying defendant's motion for a
20 reduction of his sentence. Dkt. 147. On February 27, 2012, defendant filed a motion, requesting
21 that he be granted an extension of time, until April 9, 2010, to file a Notice of Appeal. Dkt. 151,
22 at 5. Defendant contends that an extension of time is warranted, due to the difficulties with and
23 delays in communicating with his counsel
24

1 In a criminal case, a Notice of Appeal must be filed with the district court within fourteen
2 days “after the latter of: (i) the entry of...the order being appealed...” Fed.R.App.Proc.
3 4(b)(1)(A). Pursuant to Fed.R.App.Proc. 4(b)(4), a district court may grant an extension of time
4 to file a Notice of Appeal for a period not to exceed 30 days from the expiration of the time
5 otherwise prescribed by Rule 4(b), with or without the filing of a motion and notice, upon a
6 finding of excusable neglect or good cause.

7 Defendant timely filed this request for extension of time. In the absence of an extension
8 of time, a Notice of Appeal would be due March 9, 2012, fourteen days after the court’s
9 February 24, 2012 order. Defendant has shown good cause for an extension of time for an
10 additional thirty days. Accordingly, defendant should be granted an extension of time, up to and
11 including April 9, 2012, to file a Notice of Appeal. *See* Fed.R.App.Proc. 26(a)(1)(C).

12 Accordingly, it is hereby **ORDERED** that Defendant Pointer’s Motion for Extension of
13 Time to File Notice of Appeal (Dkt. 151) is **GRANTED**. Petitioner may file notice of appeal
14 not later than April 9, 2012.

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
16 to any party appearing *pro se* at said party’s last known address.

17 Dated this 28th day of February, 2012.

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20 ROBERT J. BRYAN
21 United States District Judge
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